

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHANNA BROWN,

Plaintiff,

-against-

ALJAQUA HAWKINS and MILLER AUTO
LEASING,

Defendants.
-----X

PETITION FOR REMOVAL

Jury Demanded

ECF Case

Defendants, Aljaqua Hawkins and Miller Auto Leasing Co. d/b/a Miller Truck Leasing Co. i/s/h/a Miller Auto Leasing [hereinafter “defendants”] petitioners for the removal of this action from the Supreme Court of the State of New York, County of Bronx, to the United States District Court, Southern District of New York, respectfully shows this Honorable Court:

FIRST: Plaintiff commenced an action against the named defendants in a Civil Action on February 25, 2022 in the Supreme Court of the State of New York, County of Bronx, entitled:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
SHANNA BROWN,

Index No.: 803015/2022E

Plaintiff,

-against-

ALJAQUA HAWKINS and MILLER AUTO
LEASING,

Defendants.
-----X

A copy of the Summons and Verified Complaint is annexed hereto as **Exhibit “A”** and made a part hereof. Defendants joined issue by service of their Verified Answer, a copy of which is annexed hereto as **Exhibit “B”** and made a part hereof. Plaintiff served the foregoing Summons and Verified Complaint upon defendant Ajaqua Hawkins on or about March 1, 2022 [**Exhibit “C”**] and upon defendant, Miller Auto Leasing Co. d/b/a Miller Truck Leasing Co. i/s/h/a Miller Auto Leasing on or about March 2, 2022 [**Exhibit “D”**]. Upon information and belief, the foregoing constitutes all process, pleadings and Orders allegedly served in the foregoing action.

SECOND: This is an action of a civil nature in which the District Courts of the United States have been given original jurisdiction in that there exists diversity of citizenship between the plaintiff and the defendants and the amount in controversy may exceed the sum of \$75,000.00 exclusive of interest and costs. Accordingly, there exists jurisdiction in the District Court of the United States as provided pursuant to 28 U.S.C. §1332.

THIRD: Under the provision of 28 U.S.C. §1441, the right exists to remove this civil action from the Supreme Court of the State of New York, County of Bronx to the United States District Court for the Southern District of New York, which embraces the place where this action is pending. In her complaint, plaintiff, Shanna Brown, seeks judgment as a result of personal injuries allegedly sustained on October 18, 2021, while she was a passenger in an automobile operated by Franklyn Brown at East 69th Street and the intersection of 1st Avenue, New York, New York when her vehicle was struck by the vehicle operated by defendant, Aljaqua Hawkins and owned by defendant, Miller Auto Leasing Co. d/b/a Miller Truck Leasing Co. i/s/h/a Miller Auto Leasing.

FOURTH: The action involves a controversy between citizens of different States. Pursuant to plaintiff’s Summons, she was and is at the commencement of the action, a citizen of

Bronx County, State of New York, residing at 5800 Arlington Avenue, Apartment 3O, Bronx, New York 10471 [**Exh. “A”**]. The defendant, Aljaqua Hawkins is a resident of the State of New Jersey with a residence address of 21 Amboy Street, Vauxhall, New Jersey 07088 [*see Police Accident Report Exhibit “E”*]. Defendant, Miller Auto Leasing Co. d/b/a Miller Truck Leasing Co. i/s/h/a Miller Auto Leasing is a foreign New Jersey Corporation with a principal place of business at 1592 Route 38, Lumberton, New Jersey 08048 [**Exh. “C”**; **Exhibit “F”**]. Defendant, Miller Auto Leasing Co. d/b/a Miller Truck Leasing Co. i/s/h/a Miller Auto Leasing is a privately wholly owned corporation.

FIFTH: Upon information and belief, plaintiff’s alleged amount in controversy will be claimed to be in excess of the \$75,000.000 threshold. Plaintiff’s Verified Complaint did not specify the amount of damages because under New York Civil Practice Law and Rules §3017(c), a plaintiff in a personal injury action in the Supreme Court of the State of New York is not permitted to assert the damage amount in the Verified Complaint. Accordingly, there exists original jurisdiction in the District Courts of the United States as provided pursuant to 28 U.S.C. §1332.

SIXTH: The instant petition is being filed within thirty (30) days of learning that the initiation and service upon the defendants of the within action [*see Exhs “A”, “C” and “D”*] in accordance with Federal Rules of Civil Procedure §1446(b)(1). In any event, pursuant to Federal Rules of Civil Procedure §1446(c)(1), an action must be removed within one-year of the commencement of the case.

SEVENTH: In accordance with the requirements of 28 U.S.C. §1446, defendants attach herewith and incorporate herein by reference copies of the following items served in this action:

a. Plaintiff’s Summons and Verified Complaint [**Exh. “A”**]; b. Defendants Verified Answer and

discovery demands [Exh. "B"]; c. Affidavit of Service upon defendant, Ajaqua Hawkins [Exh. "C"] and 4) Affidavit of Service upon defendant, Miller Auto Leasing Co. d/b/a Miller Truck Leasing Co. i/s/h/a Miller Auto Leasing [Exh. "D"].

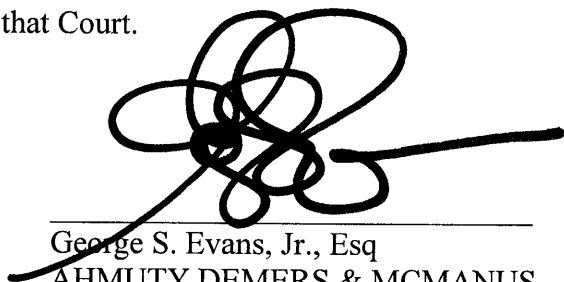
EIGHTH: By reason of the foregoing, defendants desire and are entitled to have this action removed from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York, such being the district where this suit is pending.

NINTH: Concurrent with the filing of service and petition for removal, defendants are serving this petition for removal upon plaintiff's counsel and filing a copy of the petition for removal with the Clerk of The Court for the Supreme Court of the State of New York, County of Bronx.

TENTH: Defendants hereby request a trial by jury of the within action.

WHEREFORE, defendants, Aljaqua Hawkins and Miller Auto Leasing, prays that the above-entitled action now pending against them in the Supreme Court of the State of New York, County of Bronx, be removed therefrom that Court.

Dated: New York, New York
March 25, 2022



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